

UNITED STATES DISTRICT COURT
FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA

LAWRENCE LOMBARDI,

Plaintiff

v.

MICHAEL PUGH, ET AL.,

Defendant

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CIVIL NO. 4:CV-05-300

(Judge McClure)

ORDER

November 29, 2006

Background

This pro se civil rights action was initiated by Lawrence Lombardi (“Plaintiff”), an inmate presently confined at the United States Penitentiary, Lewisburg, Pennsylvania (“USP-Lewisburg”). Plaintiff seeks compensatory and punitive damages on the grounds that the Defendants were deliberately indifferent to his medical needs.

By Memorandum and Order dated January 17, 2006, Defendant Lawrence

Schiffman, D.O.'s motion to dismiss was granted.¹ On March 8, 2006, the Federal Defendants' summary judgment motion was granted in part.² On March 28, 2006, remaining Defendants Laino, Levi, and Williamson filed an answer to the complaint. Thereafter, on April 14, 2006, the remaining Defendants filed a motion for judgment on the pleadings.³ See Record document no. 41.

Presently pending is the remaining Defendants' motion for a protective order pursuant to Federal Rule of Civil Procedure 26©. See Record document no. 45. The motion requests that the remaining Defendants be granted a stay of their obligation to respond to the Plaintiff's pending discovery requests pending resolution of their pending motion for judgment on the pleadings.

The motion for protective order will be granted, the remaining Defendants are relieved from responding to Plaintiff's discovery requests until thirty (30) days after resolution of their motion for judgment on the pleadings and Lombardi's

¹ Doctor Schiffmann is a physician who provided prisoners at Plaintiff's former place of confinement, the Allenwood United States Penitentiary, White Deer, Pennsylvania ("USP-Allenwood"), with treatment on a contractual basis.

² The Federal Defendants are the following officials at USP-Allenwood: ex-Warden Michael Pugh, Health Services Administrator Ron Laino, Unit Manager Angel Levi, Warden and Troy Williamson.

³ In response to the remaining Defendants' motion, Plaintiff has submitted a motion requesting leave to file an amended complaint. See Record document no. 49.

motion to amend, if necessary. Consequently,

IT IS HEREBY ORDERED:

1. The remaining Defendants' motion for a protective order (Record document no. 45) is GRANTED.
2. The remaining Defendants may file responses to Plaintiff's outstanding discovery requests within thirty (30) days following resolution of their motion for judgment on the pleadings and Plaintiff's motion to amend.

s/ James F. McClure, Jr.
JAMES F. McCLURE, JR.
United States District Judge